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Note verbale dated 5 January 2018 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report on the measures taken by the Government of Brazil regarding the implementation of resolutions 2371 (2017) and 2375 (2017) (see annex).

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Annex to the note verbale dated 5 January 2018 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

Report of Brazil on the implementation of Security Council resolutions 2371 (2017) and 2375 (2017)

1. Further to its previous reports (S/AC.49/2006/35, S/AC.49/2009/40, S/AC.49/2010/7, S/AC.49/2013/2, S/AC.49/2016/63 and S/AC.49/2017/75) submitted to the Security Council Committee established pursuant to resolution 1718 (2006), the Government of Brazil has the honour to inform the Committee about the concrete measures that it has taken with a view to effectively implementing the relevant provisions of resolutions 2371 (2017) and 2375 (2017) concerning the Democratic People's Republic of Korea.

2. By means of presidential decrees Nos. 9.170 of 16 October 2017 and 9.200 of 21 November 2017, respectively, resolutions 2371 (2017) and 2375 (2017) were incorporated into Brazilian law and the implementation thereof made mandatory for all Brazilian authorities and for all individuals and entities under its jurisdiction.[1]

3. The Permanent Mission of Brazil to the United Nations would like to recall that the additional sanctions adopted under resolutions 2371 (2017) and 2375 (2017) will be applied within an already consolidated set of laws and practices implemented by Brazilian authorities concerning the sanctions against the Democratic People's Republic of Korea.

4. As stated in the report submitted by Brazil in 2016 (S/AC.49/2016/63) with regard to the arms embargo and non-proliferation measures outlined in the sanctions regime, the legal and institutional framework referred to in paragraphs 3 to 11 of the report submitted by Brazil in 2010 (S/AC.49/2010/7) is suitable for the implementation of any additional sanctions. With respect to the trade bans on coal, minerals, fuel, seafood, lead, all condensates and natural gas liquids, refined petroleum products, crude oil and textiles, as well as the new restrictions on work authorizations, joint ventures and investments, and with respect to the updated sanctions list, the Brazilian authorities, including the Department of Federal Revenue and the Department of Federal Police, have the power to enforce the provisions of the relevant sanctions and combat the smuggling of prohibited goods, as detailed in paragraph 2 of the report of 2010.

5. With regard to the financial sector, the legal framework to implement the sanctions regime was explained in detail in paragraph 4 of the report submitted by Brazil in 2016 (S/AC.49/2016/63). The Brazilian judiciary has issued three precautionary measures, most recently on 27 April 2017, accepting in advance the Government's request to freeze all assets, rights or values of the individuals and entities designated under United Nations resolutions on sanctions against the Democratic People's Republic of Korea, including resolutions 2371 (2017) and 2375 (2017). At the time of writing, however, no assets, rights or values of the aforementioned individuals or entities had been found in Brazil.

6. The following competent authorities are being kept informed about updates to the sanctions regime concerning the Democratic People's Republic of Korea, in order to prevent any violations:

[1] The full text of the decrees, in Portuguese, is on file with the Secretariat and available for consultation.

(a) Financial measures and trade bans: the Central Bank of Brazil, the Brazilian Development Bank, the Council for Financial Activities Control, the Ministry of Finance and the Department of Federal Revenue;

(b) Measures concerning the movement of persons: the immigration division of the Ministry of Foreign Affairs and the Department of Federal Police;

(c) Measures concerning the movement of goods and the transfer of technical training, advice, services or assistance: the Ministry of Science, Technology, Innovation and Communication, the Brazilian Cooperation Agency, the Department of Federal Revenue and the Brazilian Machinery Builders' Association;

(d) Restrictions on maritime and air transport: the Ministry of Transport, Ports and Civil Aviation, the National Civil Aviation Agency, the National Agency for Land Transport and the National Agency for Water Transport;

(e) Restrictions on the diplomatic and consular offices of the Democratic People's Republic of Korea: the diplomatic privileges and immunities division of the Ministry of Foreign Affairs.

7. In addition to its efforts to implement effectively the provisions of resolutions 2371 (2017) and 2375 (2017) and all previous Security Council resolutions concerning the Democratic People's Republic of Korea, the Brazilian Government has publicly and strongly condemned the nuclear and ballistic missile tests carried out by the Democratic People's Republic of Korea in violation of Council resolutions. Brazil has also expressly associated itself with the condemnations issued by the Council.

8. In 2017, nine press releases were issued by the Ministry of Foreign Affairs concerning missile tests.[2]

9. Brazil reiterates its commitment to the full implementation of all Security Council resolutions concerning the Democratic People's Republic of Korea, including resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017) and 2375 (2017). In this context, it reaffirms the importance of implementing the provisions of those resolutions without prejudice to the activities of the diplomatic missions in the Democratic People's Republic of Korea pursuant to the Vienna Convention on Diplomatic Relations, except those activities established pursuant to resolution 2321 (2016).

[2] The full text of the press releases is on file with the Secretariat and available for consultation.